

Appl. No. 09/944,222  
 Amdt. dated February 24, 2004  
 Reply to Office Action dated November 24, 2003  
 Docket No. TRNSV-013BC2

## REMARKS

The foregoing amendment and the remarks which follow are fully responsive to the Office Action dated November 24, 2003.

### **Objection to Specification:**

In the Office Action, the Examiner requested that the "Related Applications" sections, which was previously added by preliminary amendment, be updated to include current status information and to recite 5 related applications. By the present amendment Applicant has updated the "Related Applications" section and has added a complete recitation of the chain of priority of each parent application. This amendment is believed to be proper at this time and overcomes the objection raised in the Office Action.

### **Rejection of Claims Under 35 U.S.C. § 102(b):**

Claims 65-71 (as renumbered) are pending in this application. In the Office Action, Claims 65-71 were rejected as being anticipated by United States Patent No. 5,429,144 (Wilk).

As the Examiner recognizes, Wilk teaches a stent apparatus that is configured to extend only into a channel that has been created within the myocardium of the heart. Wilk does not disclose or even suggest the use of any stent apparatus that protrudes from the intramyocardial channel into an adjacent coronary blood vessel, as recited in Applicant's independent claim 65. However, although the Examiner recognizes this distinction, the Examiner stated in the Office Action that the sizing of the length of Applicant's stent apparatus such that it would protrude into the coronary blood vessel is a "method step" rather than an apparatus limitation. By the present amendment, Applicant has made changes to the language of Claim 65 solely for the purpose of clarification and to remove unnecessary limitations. As amended, claim 65 recites that the stent apparatus is configured so that it may be implanted such that a portion of said apparatus resides within the transmyocardial passageway to stent said transmyocardial passageway and a portion of said apparatus extends out of the transmyocardial passageway and into said coronary blood vessel. This language recites an apparatus limitation, not a method step, and clearly distinguishes over Wilk as well as all other prior art of record.

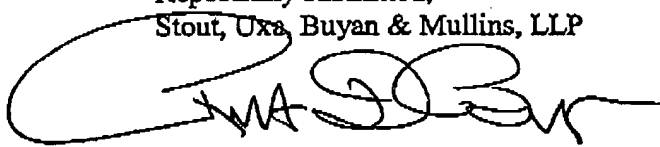
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**Conclusion:**

On the basis of the foregoing, all objections and grounds for rejection have been overcome or obviated. Issuance of a Notice of Allowance is earnestly solicited.

Respectfully submitted,  
Stout, Uxa, Buyan & Mullins, LLP

Date: February 24, 2004



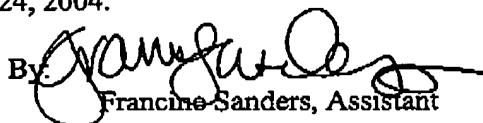
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**CERTIFICATE OF FACSIMILE FILING**

I hereby certify that this correspondence is being transmitted to the United States Patent Office by facsimile at (703) 872-9306 on February 24, 2004.

Dated: February 24, 2004

By:   
Francine Sanders, Assistant